

as practicable, but in no event later than 3 years after said emission point becomes a Group 1 emission point.

(4) *Existing source requirements for some emission points that become subject to the requirements of subpart H of this part.* If a compressor becomes subject to § 63.164, the owner or operator shall be in compliance upon initial start-up or by 3 years after September 12, 1996, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures in paragraphs (i)(2)(iii)(A) through (i)(2)(iii)(C) of this section to establish a compliance date.

(5) *Determining what are and are not process changes.* For purposes of paragraph (i) of this section, examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is a replacement, removal, or the addition of recovery equipment. For purposes of paragraph (i) of this section, process changes do not include: process upsets, unintentional temporary process changes, and changes that are within the equipment configuration and operating conditions documented in the Notification of Compliance Status report required by § 63.1335(e)(5).

(j) *Applicability of this subpart except during periods of start-up, shutdown, and malfunction.* Each provision set forth in this subpart or referred to in this subpart shall apply at all times except during periods of start-up, shutdown, and malfunction if the start-up, shutdown, or malfunction precludes the ability of a particular emission point of an affected source to comply with one or more specific provisions to which it is subject. Start-up, shutdown, and malfunction is defined in § 63.1312 for all emission points except equipment leaks subject to subpart H of this part, which shall follow the provisions for periods of start-up, malfunction, and process unit shutdown, as defined in § 63.161. Only then shall an emission point not be required to comply with all applicable provisions of this subpart.

§ 63.1311 Compliance schedule and relationship to existing applicable rules.

(a) Affected sources are required to achieve compliance on or before the dates specified in paragraphs (b) through (d) of this section. Paragraph (e) of this section provides information on requesting compliance extensions. Paragraphs (f) through (l) of this section discuss the relationship of this subpart to subpart A of this part and to other applicable rules. Where an override of another authority of the Act is indicated in this subpart, only compliance with the provisions of this subpart is required. Paragraph (m) of this section specifies the meaning of time periods.

(b) New affected sources that commence construction or reconstruction after March 29, 1995, shall be in compliance with this subpart upon initial start-up or February 27, 1998, whichever is later, as provided in § 63.6(b), except that new affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is poly(ethylene terephthalate) (PET) shall be in compliance with § 63.1331 upon initial start-up or by September 12, 1999, whichever is later.

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.1331 for which compliance is covered by paragraph (d) of this section) no later than September 12, 1999, as provided in § 63.6(c), unless an extension has been granted as specified in paragraph (e) of this section, except that the compliance date for the provisions contained in 40 CFR 63.1329 is temporarily extended from September 12, 1999, to February 27, 2001, for existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process.

(d) Except as provided for in paragraphs (d)(1) through (d)(6) of this section, existing affected sources shall be in compliance with § 63.1331 no later than February 27, 1998 unless a request for a compliance extension is granted pursuant to section 112(i)(3)(B) of the Act, as discussed in § 63.182(a)(6).

(1) Compliance with the compressor provisions of § 63.164 shall occur no later than February 27, 1998 for any compressor meeting one or more of the criteria in paragraphs (d)(1)(i) through (d)(1)(iii) of this section if the work can be accomplished without a process unit shutdown, as defined in § 63.161:

- (i) The seal system will be replaced;
- (ii) A barrier fluid system will be installed; or
- (iii) A new barrier fluid will be utilized which requires changes to the existing barrier fluid system.

(2) Compliance with the compressor provisions of § 63.164 shall occur no later than March 12, 1998, for any compressor meeting all the criteria in paragraphs (d)(2)(i) through (d)(2)(ii) of this section.

(i) The compressor meets one or more of the criteria specified in paragraphs (d)(1)(i)(A) through (d)(1)(i)(B) of this section:

(A) The work can be accomplished without a process unit shutdown as defined in § 63.161; or

(B) The additional time is actually necessary due to the unavailability of parts beyond the control of the owner or operator.

(ii) The owner or operator submits the request for a compliance extension to the U.S. Environmental Protection Agency (EPA) Regional Office at the addresses listed in § 63.13 no later than June 16, 1997. The request for a compliance extension shall contain the information specified in § 63.6(i)(6)(i) (A), (B), and (D). Unless the EPA Regional Office objects to the request for a compliance extension within 30 calendar days after receipt of the request, the request shall be deemed approved.

(3) If compliance with the compressor provisions of § 63.164 cannot reasonably be achieved without a process unit shutdown, as defined in § 63.161, the owner or operator shall achieve compliance no later than September 14, 1998. The owner or operator who elects to use this provision shall submit a request for a compliance extension in accordance with the requirements of paragraph (d)(2)(ii) of this section.

(4) If compliance with the compressor provisions of § 63.164 cannot be achieved without replacing the compressor or recasting the distance piece, the owner

or operator shall achieve compliance no later than September 13, 1999. The owner or operator who elects to use this provision shall submit a request for a compliance extension in accordance with the requirements of paragraph (d)(2)(ii) of this section.

(5) Compliance with the provisions of § 63.170 shall occur no later than September 13, 1999.

(6) Notwithstanding paragraphs (d)(1) through (d)(4) of this section, existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET shall be in compliance with § 63.1331 no later than September 12, 1999.

(e) Pursuant to section 112(i)(3)(B) of the Act, an owner or operator may request an extension allowing the existing source up to 1 additional year to comply with section 112(d) standards. For purposes of this subpart, a request for an extension shall be submitted to the operating permit authority as part of the operating permit application or to the Administrator as a separate submittal or as part of the Precompliance Report. Requests for extensions shall be submitted no later than the date the Precompliance Report is required to be submitted in § 63.1335(e)(3)(i). The dates specified in § 63.6(i) for submittal of requests for extensions shall not apply to this subpart.

(1) A request for an extension of compliance shall include the data described in § 63.6(i)(6)(i) (A), (B), and (D).

(2) The requirements in § 63.6(i)(8) through § 63.6(i)(14) shall govern the review and approval of requests for extensions of compliance with this subpart.

(f) Table 1 of this subpart specifies the provisions of subpart A of this part that apply and those that do not apply to owners and operators of affected sources subject to this subpart.

(g)(1) After the compliance dates specified in this section, an affected source subject to this subpart that is also subject to the provisions of subpart I of this part, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said affected source shall no longer be subject to subpart I of this part.

(2) Said affected sources that elected to comply with subpart I of this part through a quality improvement program, as specified in § 63.175 or § 63.176 or both, may elect to continue these programs without interruption as a means of complying with this subpart. In other words, becoming subject to this subpart does not restart or reset the “compliance clock” as it relates to reduced burden earned through a quality improvement program.

(h) After the compliance dates specified in this section, a storage vessel that belongs to an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart Kb, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said storage vessel shall no longer be subject to 40 CFR part 60, subpart Kb.

(i) (1) Except as provided in paragraph (i)(2) of this section, after the compliance dates specified in this section, affected sources producing PET using a continuous terephthalic acid process, producing PET using a continuous dimethyl terephthalate process, or producing polystyrene resin using a continuous process subject to this subpart that are also subject to the provisions of 40 CFR part 60, subpart DDD, are required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said sources shall no longer be subject to 40 CFR part 60, subpart DDD.

(2) Existing affected sources producing PET using a continuous terephthalic acid high viscosity multiple end finisher process shall continue to be subject to 40 CFR 60.562-1(c)(2)(ii)(C). Once said affected source becomes subject to and achieves compliance with § 63.1329(c) of this subpart, said affected source is no longer subject to the provisions of 40 CFR part 60, subpart DDD.

(j) Affected sources subject to this subpart that are also subject to the provisions of subpart Q of this part shall comply with both subparts.

(k) After the compliance dates specified in this section, an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart VV, is required to comply only with the provisions of this subpart.

After the compliance dates specified in this section, said source shall no longer be subject to 40 CFR part 60, subpart VV.

(l) After the compliance dates specified in this section, a distillation operation that belongs to an affected source subject to this subpart that is also subject to the provisions of 40 CFR part 60, subpart NNN, is required to comply only with the provisions of this subpart. After the compliance dates specified in this section, said distillation operation shall no longer be subject to 40 CFR part 60, subpart NNN.

(m) All terms in this subpart that define a period of time for completion of required tasks (e.g., weekly, monthly, quarterly, annual), unless specified otherwise in the section or subsection that imposes the requirement, refer to the standard calendar periods.

(1) Notwithstanding time periods specified in this subpart for completion of required tasks, such time periods may be changed by mutual agreement between the owner or operator and the Administrator, as specified in subpart A of this part (e.g., a period could begin on the compliance date or another date, rather than on the first day of the standard calendar period). For each time period that is changed by agreement, the revised period shall remain in effect until it is changed. A new request is not necessary for each recurring period.

(2) Where the period specified for compliance is a standard calendar period, if the initial compliance date occurs after the beginning of the period, compliance shall be required according to the schedule specified in paragraphs (m)(i) or (m)(ii) of this section, as appropriate.

(i) Compliance shall be required before the end of the standard calendar period within which the compliance deadline occurs, if there remain at least 3 days for tasks that must be performed weekly, at least 2 weeks for tasks that must be performed monthly, at least 1 month for tasks that must be performed each quarter, or at least 3 months for tasks that must be performed annually; or

(ii) In all other cases, compliance shall be required before the end of the first full standard calendar period after

the period within which the initial compliance deadline occurs.

(3) In all instances where a provision of this subpart requires completion of a task during each multiple successive period, an owner or operator may perform the required task at any time during the specified period, provided that the task is conducted at a reasonable interval after completion of the task during the previous period.

[61 FR 48229, Sept. 12, 1996, as amended at 62 FR 1838, Jan. 14, 1997; 62 FR 30995, June 6, 1997; 63 FR 9945, Feb. 27, 1998; 63 FR 15315, Mar. 31, 1998]

§ 63.1312 Definitions.

(a) The following terms used in this subpart shall have the meaning given them in § 63.2, § 63.101, § 63.111, and § 63.161 as specified after each term:

Act (§ 63.2)
 Administrator (§ 63.2)
 Automated monitoring and recording system (§ 63.111)
 Average concentration (§ 63.111)
 Boiler (§ 63.111)
 Bottoms receiver (§ 63.161)
 By compound (§ 63.111)
 By-product (§ 63.101)
 Car-seal (§ 63.111)
 Chemical manufacturing process unit (§ 63.101)
 Closed-vent system (§ 63.111)
 Co-product (§ 63.101)
 Combustion device (§ 63.111)
 Commenced (§ 63.2)
 Compliance date (§ 63.2)
 Compliance schedule (§ 63.2)
 Connector (§ 63.161)
 Construction (§ 63.2)
 Continuous monitoring system (§ 63.2)
 Continuous record (§ 63.111)
 Continuous recorder (§ 63.111)
 Cover (§ 63.111)
 Distillation unit (§ 63.111)
 Emission standard (§ 63.2)
 Emissions averaging (§ 63.2)
 EPA (§ 63.2)
 Equipment (§ 63.161)
 Equipment leak (§ 63.101)
 Existing source (§ 63.2)
 External floating roof (§ 63.111)
 Fill (§ 63.111)
 Fixed roof (§ 63.111)
 Flame zone (§ 63.111)
 Flexible operation unit (§ 63.101)
 Floating roof (§ 63.111)
 Flow indicator (§ 63.111)

Group 1 wastewater streams (§ 63.111)
 Group 2 wastewater streams (§ 63.111)
 Halogens and hydrogen halides (§ 63.111)
 Hazardous air pollutant (§ 63.2)
 Impurity (§ 63.101)
 In organic hazardous air pollutant service (§ 63.161)
 Incinerator (§ 63.111)
 Instrumentation system (§ 63.161)
 Internal floating roof (§ 63.111)
 Lesser quantity (§ 63.2)
 Major source (§ 63.2)
 Malfunction (§ 63.2)
 Mass flow rate (§ 63.111)
 Maximum true vapor pressure (§ 63.111)
 New source (§ 63.2)
 Open-ended valve or line (§ 63.161)
 Operating permit (§ 63.101)
 Organic HAP service (§ 63.161)
 Organic monitoring device (§ 63.111)
 Owner or operator (§ 63.2)
 Performance evaluation (§ 63.2)
 Performance test (§ 63.2)
 Permitting authority (§ 63.2)
 Plant site (§ 63.101)
 Point of generation (§ 63.111)
 Potential to emit (§ 63.2)
 Primary fuel (§ 63.111)
 Process heater (§ 63.111)
 Process unit shutdown (§ 63.161)
 Process wastewater (§ 63.101)
 Process wastewater stream (§ 63.111)
 Product separator (§ 63.111)
 Reactor (§ 63.111)
 Reconstruction (§ 63.2)
 Recovery device (§ 63.111)
 Reference control technology for process vents (§ 63.111)
 Reference control technology for storage vessels (§ 63.111)
 Reference control technology for wastewater (§ 63.111)
 Relief valve (§ 63.111)
 Research and development facility (§ 63.101)
 Residual (§ 63.111)
 Run (§ 63.2)
 Secondary fuel (§ 63.111)
 Sensor (§ 63.161)
 Shutdown (§ 63.2)
 Specific gravity monitoring device (§ 63.111)
 Start-up (§ 63.2)
 Start-up, shutdown, and malfunction plan (§ 63.101)
 State (§ 63.2)
 Surge control vessel (§ 63.161)
 Temperature monitoring device (§ 63.111)